

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

MOTOROLA, INC., et al.,

Defendants.

Case No. C10-1823-JLR

**DECLARATION OF CHRISTOPHER
WILSON IN SUPPORT OF
MICROSOFT'S OPENING CLAIM
CONSTRUCTION BRIEF ON ITS '780
AND '582 COUNTERCLAIM PATENTS**

MOTOROLA MOBILITY, INC., et al.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

DECLARATION OF CHRISTOPHER WILSON
IN SUPPORT OF MICROSOFT'S OPENING
CLAIM CONSTRUCTION BRIEF ON ITS '780
AND '582 COUNTERCLAIM PATENTS - I
Case No. C10-1823-JLR

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1 I, Christopher Wilson, declare the following:

2 1. I am an attorney licensed to practice law in the state of California and am an
3 Associate at the law firm of Sidley Austin LLP, counsel for Microsoft Corporation ("Microsoft")
4 in the above-referenced matter. I make this Declaration in support of Microsoft's Opening
5 Claim Construction Brief on Its '780 and '582 Counterclaim Patents (the "Brief"). I have
6 personal knowledge of the facts stated below or know of such facts from my review of the case
7 file, and if called upon to testify, could and would testify to each of them.

8 2. Attached to this declaration are 17 exhibits used to support statements made in the
9 Brief. The following is a listing of these exhibits.

10 3. Exhibit A is titled "'780 Patent Asserted Claim Language." This exhibit displays
11 a list of claims from U.S. Patent 6,339,780 (the "'780 Patent"), which Microsoft accuses
12 Motorola of infringing. The terms in dispute are emphasized. This exhibit is a true and accurate
13 representation of the document it purports to show.

14 4. Exhibit B is titled "United States Patent, Patent No. 6,339,780." The highlighting
15 in the exhibit was added by Microsoft's counsel and is not part of the original document. Other
16 than the highlighting, this exhibit is a true and accurate representation of the '780 Patent.

17 5. Exhibit C is titled "Response to Office Action Dated November 26, 1999." This
18 exhibit displays amendments and arguments in support thereof made by the patentee in an effort
19 to allow claims of the pending '780 Patent. This document was submitted to the United States
20 Patent Office ("USPTO") on March 23, 2000. The highlighting in the exhibit was added by
21 Microsoft's counsel and is not part of the original document. Other than the highlighting, this
22 exhibit is a true and accurate representation of the document it purports to show.

23 6. Exhibit D is titled "Response to Office Action Dated September 11, 2000." This
24 exhibit displays amendments and arguments in support thereof made by the patentee in an effort
25 to allow claims of the pending '780 Patent. This document was submitted to the USPTO on

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1 December 1, 2000. The highlighting in the exhibit was added by Microsoft's counsel and is not
 2 part of the original document. Other than the highlighting, this exhibit is a true and accurate
 3 representation of the document it purports to show.

4 7. Exhibit E is titled "Response to Final Office Action Dated February 27, 2001."
 5 This exhibit displays amendments and arguments in support thereof made by the patentee in an
 6 effort to allow claims of the pending '780 Patent. This document was submitted to the USPTO
 7 on June 26, 2001. The highlighting in the exhibit was added by Microsoft's counsel and is not
 8 part of the original document. Other than the highlighting, this exhibit is a true and accurate
 9 representation of the document it purports to show.

10 8. Exhibit F is titled "Preliminary Amendment." This exhibit displays amendments
 11 and arguments in support thereof made by the patentee in an effort to allow claims of the
 12 pending '780 Patent. This document was submitted to the USPTO on August 15, 2001. The
 13 highlighting in the exhibit was added by Microsoft's counsel and is not part of the original
 14 document. Other than the highlighting, this exhibit is a true and accurate representation of the
 15 document it purports to show.

16 9. Exhibit G is titled "Notice of Allowability." This exhibit describes the
 17 examiner's reasons for allowing claims of the pending '780 Patent to issue. This document was
 18 executed by the USPTO on September 9, 2001. The highlighting in the exhibit was added by
 19 Microsoft's counsel and is not part of the original document. Other than the highlighting, this
 20 exhibit is a true and accurate representation of the document it purports to show.

21 10. Exhibit H is titled "The Computer Desktop Encyclopedia," authored by Alan
 22 Freedman, and published in 1996. In particular, this exhibit displays pages 354, 418, and 496 of
 23 this document. Terms relevant to the Brief have been highlighted, including the terms
 24 "graphics," "icon," and "loaded." The highlighting in the exhibit was added by Microsoft's
 25

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1 counsel and is not part of the original document. Other than the highlighting, this exhibit is a
 2 true and accurate representation of the document it purports to show.

3 11. Exhibit I is titled "Webster's Third International Dictionary," edited by Philip
 4 Babcock Grove, and published in 1993. In particular, this exhibit displays pages 1559 and 2557
 5 of this document. Terms relevant to the Brief have been highlighted, including the terms
 6 "obstruct" and "visible." The highlighting in the exhibit was added by Microsoft's counsel and
 7 is not part of the original document. Other than the highlighting, this exhibit is a true and
 8 accurate representation of the document it purports to show.

9 12. Exhibit J is a video displaying the operation of an early web browser. This video,
 10 recorded in March 2012, displays the operation of Microsoft Internet Explorer version 3:0
 11 (4.70.1158), which was commercially available as late as 1996. The video displays this web
 12 browser running on a native Windows 95 (Version 4.00.950) operating system (i.e., the operating
 13 system is not emulated on a later operating system). This version of the Internet Explorer
 14 browser is included in the Windows 95 operating system and, as such, no additional software
 15 was needed to operate the browser. The video was captured using SnapZ Pro (Version 2.3.3)
 16 and annotations were added using Adobe After Effects CS 5.5 (Version 10.5). This video has
 17 been made available in multiple formats, including .AVI (Audio Video Interleave), .WMV
 18 (Windows Media Video) and .MOV (Quicktime), each contain the same content. This exhibit is
 19 a true and accurate representation of the operation of the Microsoft Internet Explorer v. 3.0 web
 20 browser, which was publicly available in 1996.

21 13. Exhibit K is titled "'582 Patent Asserted Claim Language." This exhibit displays
 22 a list of claims from U.S. Patent 7,411,582 (the "'582 Patent"), which Microsoft accuses
 23 Motorola of infringing. The terms in dispute are emphasized. This exhibit is a true and accurate
 24 representation of the document it purports to show.

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 26 DECLARATION OF CHRISTOPHER WILSON
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1 14. Exhibit L is titled "United States Patent, Patent No. 7,411,582." The highlighting
2 in the exhibit was added by Microsoft's counsel and is not part of the original document. Other
3 than the highlighting, this exhibit is a true and accurate representation of the '780 Patent.

4 15. Exhibit M is titled "Amendment and Response to Office Action Dated May 3,
5 2006." This exhibit displays amendments and arguments in support thereof made by the
6 patentee in an effort to allow claims of the pending '582 Patent. This document was submitted to
7 the USPTO on September 5, 2006. The highlighting in the exhibit was added by Microsoft's
8 counsel and is not part of the original document. Other than the highlighting, this exhibit is a
9 true and accurate representation of the document it purports to show.

10 16. Exhibit N is titled "United States Patent, Patent No. 5,760,773." The highlighting
11 in the exhibit was added by Microsoft's counsel and is not part of the original document. Other
12 than the highlighting, this exhibit is a true and accurate representation of the U.S. Patent
13 5,760,773.

14 17. Exhibit O is titled "Que's Computer and Internet Dictionary, 6th Edition"
15 authored by Bryan Pfaffenberger, and published in 1995. In particular, this exhibit displays page
16 252. Terms relevant to the Brief have been highlighted, including the term "icon." The
17 highlighting in this exhibit was added by Microsoft's counsel and is not part of the original
18 document. Other than the highlighting, this exhibit is a true and accurate representation of the
19 document it purports to show.

20 18. Exhibit P is titled "Microsoft Press Computer Dictionary, Third Edition" and was
21 published in 1997. In particular, this exhibit displays pages 100, 106, 111, 243, and 508. Terms
22 relevant to the Brief have been highlighted, including the terms "COM," "component,"
23 "component software," "computer program," "icon," and "window." The highlighting in this
24 exhibit was added by Microsoft's counsel and is not part of the original document. Other than
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1 the highlighting, this exhibit is a true and accurate representation of the document it purports to
2 show.

3 19. Exhibit Q is titled "Microsoft Computer Dictionary, Fourth Edition" and was
4 published in 1999. In particular, this exhibit displays page 241. Terms relevant to the Brief have
5 been highlighted, including the term "interface." The highlighting in this exhibit was added by
6 Microsoft's counsel and is not part of the original document. Other than the highlighting, this
7 exhibit is a true and accurate representation of the document it purports to show.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct. Executed on March 30, 2012.

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11 
12 CHRISTOPHER WILSON
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DECLARATION OF CHRISTOPHER WILSON
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EXHIBITS

Ex. A : '780 patent asserted claim language (with disputed terms highlighted)

Ex. B : U.S. Patent No. 6,339,780

Ex. C : '780 patent March 23, 2000 Office Action Response

Ex. D : '780 patent December 1, 2000 Office Action Response

Ex. E : '780 patent June 26, 2001 Office Action Response

Ex. F : '780 patent August 15, 2001 Office Action Response

Ex. G : '780 patent Notice of Allowability

Ex. H : The Computer Desktop Encyclopedia

Ex. I : Webster's Third New International Dictionary

Ex. J : CD-ROM with video of Internet Explorer browser

Ex. K : '582 patent asserted claim language (with disputed terms highlighted)

Ex. L : U.S. Patent No. 7,411,582

Ex. M : '582 patent Sept 5, 2006 Office Action Response

Ex. N : U.S. Patent No. 5,760,773

Ex. O : Que's Computer & Internet Dictionary

Ex. P : Microsoft Computer Dictionary (3d ed. 1997)

Ex. Q : Microsoft Computer Dictionary (4th ed. 1999)

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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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